

**SECOND JUDICIAL DISTRICT COURT
CENTER FOR SELF HELP AND DISPUTE RESOLUTION**

***SETTLEMENT FACILITATION PROGRAM
PROGRAM DESCRIPTION***

The Second Judicial District Court's Settlement Facilitation Program was implemented in the fall of 1989 with the court's first Settlement Week. The Center for Self Help and Dispute Resolution now runs a Year-Round Settlement Facilitation Program in addition to its annual Settlement Week. The goal of the program is the early and fair resolution of Civil and Domestic Relations disputes through the settlement conference process. The program also aims to improve parties' satisfaction with the final outcome by increasing the parties' direct participation in settlement negotiations and providing the parties with a neutral evaluation of their dispute.

During the Court's Settlement Week, generally held during September or October each year, several hundred settlement conferences are scheduled. During the rest of the year, settlement conferences are scheduled on an ad hoc basis.

THE PROCESS: The court orders all the parties, along with their attorneys and other representatives, to attend a settlement conference conducted by a settlement facilitator. The facilitator helps the parties realistically evaluate the strengths and weaknesses of their positions and their risks at trial, with the goal of achieving a fair settlement or at least progress toward a settlement.

For each party in the case, a person with settlement authority (such as the insurance adjuster) is required to be present during the entire conference. This requirement ensures that the persons who are directly affected by or responsible for any settlement payments fully participate in the negotiations and are present for the facilitator's suggestions and recommendations.

Before the conference, the parties are required to provide the following information to the facilitator:

- 1) the nature of the case; 2) factual and legal issues involved; 3) settlement offers previously exchanged; 4) any other information that will help the facilitator and parties discuss settlement.

During the conference, the facilitator meets with the parties in an informal, relaxed setting, usually a conference room. The facilitator listens to each party's version of the dispute and allows the parties to air their thoughts and feelings about the dispute. The facilitator may meet with each party alone and may discuss confidential matters with each party. The parties should expect to engage in serious discussions. Although settlement is desired, the parties are not required to settle or do anything other than fully participate in the conference.

THE FACILITATORS: The facilitators are retired and sitting Judges and attorneys, mental health professionals, accountants and other qualified persons selected by the Court. The facilitators have several years' experience and are trained to conduct settlement conferences. The parties can expect their facilitator to be well prepared and familiar with their case and the relevant law.

RESULTS: Since its inception, the Settlement Facilitation Program has been very successful. Complete or partial settlements are achieved in 40 to 50% of the cases, and progress toward a settlement is achieved in 30 to 40% of the cases. An impasse is reached in only about 10% of the cases. Conferences are canceled or rescheduled in about 10% of the cases. Most important, surveys consistently indicate the overwhelming majority -- 98% -- of the participating attorneys, parties and party representatives are satisfied with the program.

MORE INFORMATION: 841-7412